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# **Spaceport & Technology Committee**

**Tuesday, March 21, 2006**

**2:00 PM to 4:00 PM**

**Room 12, HOB**

**MEETING PACKET**



# **The Florida House of Representatives**

**State Infrastructure Council**

**Spaceport & Technology Committee**

**Allan G. Bense**  
Speaker

**Bob Allen**  
Chair

## **AGENDA**

### **COMMITTEE ON SPACEPORT & TECHNOLOGY** **March 21, 2006**

**1. CALL TO ORDER BY CHAIR**

**2. GENERAL OPENING COMMENTS BY THE CHAIR**

**Welcome and Opening Comments by the Chair.**

**3. AGENDA ITEMS**

Information technology management issues.

- a. Staff, present major issues.
- b. Lori Nolan  
Policy Coordinator for Information Technology  
Governor's Office
- c. Ken Granger  
Deputy Secretary for Enterprise Information Services  
Department of Management Services

- d. David Taylor, CIO  
Department of Health  
Deputy Secretary for Enterprise Information Services at DMS
- 4. Committee members identify issues for future review and consideration.
- 5. Committee discusses future committee meetings; Chairman takes questions
- 6. Closing remarks by Chair.

# **Committee Meeting Notice**

## **HOUSE OF REPRESENTATIVES**

**Speaker Allan G. Bense**

### **Spaceport & Technology Committee**

**Start Date and Time:** Tuesday, March 21, 2006 02:30 pm

**End Date and Time:** Tuesday, March 21, 2006 05:15 pm

**Location:** 12 HOB

**Duration:** 2.75 hrs

**Workshop on the following:**

Information technology management issues.

**NOTICE FINALIZED on 03/17/2006 16:13 by YOUNG.MARY**

# SPACEPORT AND TECHNOLOGY COMMITTEE

## INFORMATION TECHNOLOGY MANAGEMENT

### MAJOR ISSUES

	Issue	Business Problem	Policies to Consider
1	Vision for IT, its role, and value to the state	Clear objectives; clear measure of success	Update vision for IT, clarify mission, clarify roles of IT entities, clarify measures
2	Enterprise governance framework to support multi-agency business solutions	Risk management; decision management; process management; cost control Supports initiation and execution of enterprise-wide technology solutions for business problems (i.e., general ledger, personnel, purchasing; future proposals – email consolidation, website standardization, data center co-location)	Consider establishing an enterprise entity and processes to manage decisions, monitor risks, and contain costs; Consider enterprise-level projects, standards, and procedures which generate savings for the state
3	Agency governance and management framework to plan, manage, and deploy technology	Risk management; decision management; process management; cost control; change management Supports initiation, management, and successful execution of agency-level technology solutions for business problems	Require each agency to establish a governance framework and processes to manage decisions, monitor risks, and contain costs;
4	Standardize performance reporting, chart of accounts, budget reporting	Accountability; measurement of quality; comparison of service costs	Standardize reporting requirements to support performance evaluation, service evaluation, and accountability
5	Realignment of duties from the STO to DMS Telecommunications and network services; Shared Resource Center; Wireless Communications;	DMS does not have full authority to manage and deploy statewide technology services	Amend statutes to reflect assignment of IT duties; most statewide services are currently operated by DMS
6	Security of data and information	Agencies must establish security for their systems and defend against attacks; may not have the requisite resources and skills to do so	Standardizes security procedures for all agencies; Certain duties need to be assigned to each agency and to DMS

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1                                   A bill to be entitled  
2       An act relating to information technology management;  
3       amending s. 20.22, F.S.; establishing the Technology  
4       Program in the Department of Management Services; removing  
5       duty of the State Technology Office to operate and manage  
6       the Technology Resource Center; repealing s. 186.022,  
7       F.S., relating to Information technology strategic plans;  
8       amending s. 216.0446, F.S.; revising duties of the  
9       legislative Technology Review Workgroup to remove  
10      participation of the State Technology Office; conforming  
11      reference to a report; repealing s. 216.292(1)(c), F.S.,  
12      relating to provisions authorizing transfer of positions  
13      and appropriations in fiscal year 2001-2002 for the  
14      purpose of consolidating information technology resources;  
15      amending s. 282.0041, F.S.; revising definitions for  
16      purposes of information resources management; defining the  
17      terms "department" deleting the Agency Annual Enterprise  
18      Resource Planning and Management Report; deleting the  
19      State Annual Report on Enterprise Resource Planning and  
20      Management; providing for appointment of an agency chief  
21      information officer by the agency head; amending s.  
22      282.102, F.S.; removing provisions for the creation,  
23      powers, and duties of the State Technology Office;  
24      removing provisions for a Chief Information Officer and a  
25      State Chief Privacy Officer; removing provisions relating  
26      to information technology and enterprise resource  
27      management; providing powers, duties, and functions of the  
28      Department of Management Services for operating the  
29      statewide communications system; transferring powers and

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30        duties relating to communications systems from the State  
 31        Technology Office to the Department of Management  
 32        Services; authorizing the department to adopt rules;  
 33        authorizing the department to set a fee for placement of  
 34        certain telecommunications facilities on state property;  
 35        amending ss. 282.103, 282.104, 282.105, 282.106, 282.107,  
 36        282.1095, and 282.111, F.S., relating to the SUNCOM  
 37        Network, the state agency law enforcement radio system and  
 38        interoperability network, and the statewide system of  
 39        regional law enforcement communications to conform  
 40        references to changes made by the act; amending s. 282.20,  
 41        F.S.; providing for operation and management of the  
 42        Technology Resource Center by the Department of Management  
 43        Services; amending s. 282.21, F.S.; authorizing the  
 44        department to collect fees for providing remote electronic  
 45        access; removing provisions for collection of such fees by  
 46        the State Technology Office; amending s. 282.22, F.S.;  
 47        providing for dissemination of materials, products,  
 48        information, and services acquired or developed by or  
 49        under the direction of the department; removing reference  
 50        to the State Technology Office with respect to such  
 51        materials, products, information, and services; repealing  
 52        s. 282.23, F.S., relating to establishment of a State  
 53        Strategic Information Technology Alliance for the  
 54        acquisition and use of information technology and related  
 55        material; amending s. 282.3031, F.S.; deleting assignment  
 56        of certain information technology functions to the State  
 57        Technology Office; conforming terminology; amending s.  
 58        282.3055, F.S.; providing for appointment of the agency

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chief information officer by the agency head; providing  
for staffing and supporting of an agency information  
technology investment board; conforming terminology;  
repealing s. 282.3063, F.S., relating to the Agency Annual  
Enterprise Resource Planning and Management Report;  
repealing s. 282.310, F.S., relating to the State Annual  
Report on Enterprise Resource Planning and Management;  
amending s. 282.315, F.S.; revising duties of the Agency  
Chief Information Officers Council; providing for the  
appointment and terms of officers; amending s. 282.318,  
F.S.; changing the popular name; removing responsibility  
of the State Technology Office; providing that each agency  
head is responsible and accountable for ensuring an  
adequate level of security for data and information;  
providing for certain security requirements to be  
determined by the department; conforming terminology;  
amending s. 282.322, F.S., removing a procedure to monitor  
certain information resources management projects;  
repealing s 282.5001; amending ss. 365.171 and 365.172,  
F.S., relating to statewide emergency telephone number  
systems; designating duties of the State Technology Office  
as duties of the Department of Management Services;  
conforming requirements with respect thereto; amending s.  
445.049, F.S., relating to the Digital Divide Council;  
designating duties of the State Technology Office as  
duties of the Department of Management Services; providing  
an effective date.

Be It Enacted by the Legislature of the State of Florida:



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Section 1. Section 20.22, Florida Statutes, is amended to read:

20.22 Department of Management Services.--There is created a Department of Management Services.

(1) The head of the Department of Management Services is the Secretary of Management Services, who shall be appointed by the Governor, subject to confirmation by the Senate, and shall serve at the pleasure of the Governor.

(2) The following divisions and programs within the Department of Management Services are established:

(a) Facilities Program.

(b) State Technology Program Office.

(c) Workforce Program.

(d)1. Support Program.

2. Federal Property Assistance Program.

(e) Administration Program.

(f) Division of Administrative Hearings.

(g) Division of Retirement.

(h) Division of State Group Insurance.

~~(3) The State Technology Office shall operate and manage the Technology Resource Center.~~

(3)~~(4)~~ The duties of the Chief Labor Negotiator shall be determined by the Secretary of Management Services, and must include, but need not be limited to, the representation of the Governor as the public employer in collective bargaining negotiations pursuant to the provisions of chapter 447.

Section 2. Section 186.022, Florida Statutes, is repealed.

Section 3. Section 216.0446, Florida Statutes, is amended

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to read:

216.0446 Review of information resources management needs.-

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(1) There is created within the Legislature the Technology Review Workgroup. The workgroup ~~and the State Technology Office~~ shall ~~independently~~ review and make recommendations with respect to the portion of agencies' long-range program plans which pertains to information technology ~~resources management~~ needs and with respect to agencies' legislative budget requests for information technology and related resources. The Technology Review Workgroup shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Legislative Budget Commission. ~~The State Technology Office shall report such recommendations, together with the findings and conclusions on which such recommendations are based, to the Executive Office of the Governor and to the chairs of the legislative appropriations committees.~~

(2) In addition to its primary duty specified in subsection (1), the Technology Review Workgroup shall have powers and duties that include, but are not limited to, the following:

(a) To evaluate the information resource management needs identified in the agency long-range program plans for consistency with the Statewide Information Technology Strategic Plan ~~State Annual Report on Enterprise Resource Planning and Management~~ and statewide policies recommended by the State Technology Office, and make recommendations to the Legislative Budget Commission.

(b) To review and make recommendations to the Legislative Budget Commission on proposed budget amendments and agency transfers associated with information technology initiatives or

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146 projects that involve more than one agency, that have an outcome  
147 that impacts another agency, that exceed \$500,000 in total cost  
148 over a 1-year period, or that are requested by the Legislative  
149 Budget Commission to be reviewed.

150 Section 4. Pursuant to section 216.351, Florida Statutes,  
151 paragraph (c) of subsection (1) of section 216.292, Florida  
152 Statutes, is repealed.

153 Section 5. Section 282.0041, Florida Statutes, is amended  
154 to read:

155 282.0041 Definitions.--For the purposes of this part, the  
156 term:

157 (1) "Agency" means those entities described in s.  
158 216.011(1)(qq).

159 ~~(2) "Agency Annual Enterprise Resource Planning and~~  
160 ~~Management Report" means the report prepared by each agency chief~~  
161 ~~information officer as required by s. 282.3063.~~

162 ~~(2)(3)~~ "Agency chief information officer" means the person  
163 appointed by the agency head ~~State Technology Office~~ to  
164 coordinate and manage the information technology policies and  
165 activities applicable to that agency.

166 ~~(3)(4)~~ "Agency Chief Information Officers Council" means  
167 the council created in s. 282.315 to facilitate the sharing and  
168 coordination of information technology issues and initiatives  
169 among the agencies.

170 (4) "Department" means the Department of Management  
171 Services.

172 ~~(5)(7)~~ "Information technology" means equipment, hardware,  
173 software, firmware, programs, systems, networks, infrastructure,  
174 media, and related material used to automatically,

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175 electronically, and wirelessly collect, receive, access,  
176 transmit, display, store, record, retrieve, analyze, evaluate,  
177 process, classify, manipulate, manage, assimilate, control,  
178 communicate, exchange, convert, converge, interface, switch, or  
179 disseminate information of any kind or form.

180 ~~(6)(5)~~ "Information technology Enterprise resources  
181 management infrastructure" means the hardware, software,  
182 networks, data, human resources, policies, standards, facilities,  
183 maintenance, and related materials and services that are required  
184 to support the business processes of an agency or state  
185 enterprise.

186 ~~(7)(6)~~ "Information technology Enterprise resource planning  
187 and management" means the planning, budgeting, acquiring,  
188 developing, organizing, directing, training, control, and related  
189 services associated with government information technology. The  
190 term encompasses information and related resources, as well as  
191 the controls associated with their acquisition, development,  
192 dissemination, and use.

193 (8) "Project" means an undertaking directed at the  
194 implementation accomplishment of information technology to  
195 achieve a strategic objective ~~relating to enterprise resources~~  
196 ~~management~~ or a specific appropriated program.

197 ~~(9) "State Annual Report on Enterprise Resource Planning~~  
198 ~~and Management" means the report prepared by the State Technology~~  
199 ~~Office as defined in s. 282.102.~~

200 ~~(9)(10)~~ "Standards" means the generally accepted  
201 definitions for information technology which promotes the use of  
202 current and, open, nonproprietary, or non-vendor-specific  
203 technologies.

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204       ~~(11) "State Technology Office" or "office" means the office~~  
205       ~~created in s. 282.102.~~

206       ~~(12) "Total cost" means all costs associated with~~  
207       ~~information technology projects or initiatives, including, but~~  
208       ~~not limited to, value of hardware, software, service,~~  
209       ~~maintenance, incremental personnel, and facilities. Total cost of~~  
210       ~~a loan or gift of information technology resources to an agency~~  
211       ~~includes the fair market value of the resources, except that the~~  
212       ~~total cost of loans or gifts of information technology to state~~  
213       ~~universities to be used in instruction or research does not~~  
214       ~~include fair market value.~~

215       Section 6. Section 282.102, Florida Statutes, is amended to  
216       read:

217       282.102 ~~Creation of the State Technology Office;~~ Powers and  
218       duties of the department.--~~There is created a State Technology~~  
219       ~~Office within~~ The powers and duties of the department include  
220       ~~Department of Management Services. The office shall be a separate~~  
221       ~~budget entity, and shall be headed by a Chief Information Officer~~  
222       ~~who is appointed by the Governor and is in the Senior Management~~  
223       ~~Service. The Chief Information Officer shall be an agency head~~  
224       ~~for all purposes. The Department of Management Services shall~~  
225       ~~provide administrative support and service to the office to the~~  
226       ~~extent requested by the Chief Information Officer. The office may~~  
227       ~~adopt policies and procedures regarding personnel, procurement,~~  
228       ~~and transactions for State Technology Office personnel. The~~  
229       ~~office shall have the following powers, duties, and functions:~~

230       (1) To publish electronically the portfolio of services  
231       available from the department office, including pricing  
232       information; the policies and procedures of the department office

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governing usage of available services; and a forecast of the priorities and initiatives for the state communications system for the ensuing 2 years.

~~(2) To adopt rules implementing policies and procedures providing best practices to be followed by agencies in acquiring, using, upgrading, modifying, replacing, or disposing of information technology.~~

~~(3) To perform, in consultation with an agency, the enterprise resource planning and management for the agency.~~

(2)(4) To advise and render aid to state agencies and political subdivisions of the state as to systems or methods to be used for organizing and meeting communications information technology requirements efficiently and effectively.

~~(5) To integrate the information technology systems and services of state agencies.~~

(3)(6) To adopt technical standards for the state communications information technology system which will assure the interconnection of computer networks and information systems of agencies.

(4)(7) To assume management responsibility for any consolidated communications system ~~integrated information technology system~~ or service when determined jointly by the department and the agency office to be economically efficient or performance-effective.

(5)(8) To enter into agreements ~~related to information technology~~ with state agencies and political subdivisions of the state for services provided herein.

(6)(9) To use and acquire, with agency concurrence, communications facilities ~~information technology~~ now owned or

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262 operated by any agency.

263       ~~(7)~~~~(10)~~ To purchase from or contract with information  
264 technology providers for communications facilities and services  
265 ~~information technology~~, including private line services.

266       ~~(8)~~~~(11)~~ To apply for, receive, and hold, and to assist  
267 agencies in applying for, receiving, or holding, such  
268 authorizations, patents, copyrights, trademarks, service marks,  
269 licenses, and allocations or channels and frequencies to carry  
270 out the purposes of this part.

271       ~~(9)~~~~(12)~~ To purchase, lease, or otherwise acquire and to  
272 hold, sell, transfer, license, or otherwise dispose of real,  
273 personal, and intellectual property, including, but not limited  
274 to, patents, trademarks, copyrights, and service marks.

275       ~~(10)~~~~(13)~~ To cooperate with any federal, state, or local  
276 emergency management agency in providing for emergency  
277 communications services.

278       ~~(11)~~~~(14)~~ To delegate, as necessary, to state agencies the  
279 authority to purchase, lease, or otherwise acquire and to use  
280 communications equipment, facilities, and services ~~information~~  
281 ~~technology~~ or, as necessary, to control and approve the purchase,  
282 lease, or acquisition and the use of all communications  
283 equipment, services, and facilities ~~information technology~~,  
284 including, but not limited to, communications services provided  
285 as part of any other total system to be used by the state or any  
286 of its agencies.

287       ~~(12)~~~~(15)~~ To acquire ownership, possession, custody, and  
288 control of existing communications equipment and facilities,  
289 including all right, title, interest, and equity therein, as  
290 necessary, to carry out the purposes of this part. However, the

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provisions of this subsection shall in no way affect the rights, title, interest, or equity in any such equipment or facilities owned by, or leased to, the state or any state agency by any telecommunications company.

(13)~~(16)~~ To adopt rules pursuant to ss. 120.536(1) and 120.54 relating to information technology ~~and~~ to administer the provisions of this part.

(14)~~(17)~~ To provide a means whereby political subdivisions of the state may use state information technology systems upon such terms and under such conditions as the department ~~office~~ may establish.

(15)~~(18)~~ To apply for and accept federal funds for any of the purposes of this part as well as gifts and donations from individuals, foundations, and private organizations.

(16)~~(19)~~ To monitor issues relating to communications facilities and services before the Florida Public Service Commission and, when necessary, prepare position papers, prepare testimony, appear as a witness, and retain witnesses on behalf of state agencies in proceedings before the commission.

(17)~~(20)~~ Unless delegated to the agencies ~~by the Chief Information Officer~~, to manage and control, but not intercept or interpret, communications within the SUNCOM Network by:

(a) Establishing technical standards to physically interface with the SUNCOM Network.

(b) Specifying how communications are transmitted within the SUNCOM Network.

(c) Controlling the routing of communications within the SUNCOM Network.

(d) Establishing standards, policies, and procedures for



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320 access to the SUNCOM Network.

321 (e) Ensuring orderly and reliable communications services  
322 in accordance with the service level agreements executed with  
323 state agencies.

324 ~~(18)~~~~(21)~~ To plan, design, and conduct experiments for  
325 information technology services, equipment, and technologies, and  
326 to implement enhancements in the state information technology  
327 system when in the public interest and cost-effective. Funding  
328 for such experiments shall be derived from SUNCOM Network service  
329 revenues and shall not exceed 2 percent of the annual budget for  
330 the SUNCOM Network for any fiscal year or as provided in the  
331 General Appropriations Act. New services offered as a result of  
332 this subsection shall not affect existing rates for facilities or  
333 services.

334 ~~(19)~~~~(22)~~ To enter into contracts or agreements, with or  
335 without competitive bidding or procurement, to make available, on  
336 a fair, reasonable, and nondiscriminatory basis, property and  
337 other structures under department ~~office~~ control for the  
338 placement of new facilities by any wireless provider of mobile  
339 service as defined in 47 U.S.C. s. 153(n) or s. 332(d) and any  
340 telecommunications company as defined in s. 364.02 when it is  
341 determined to be practical and feasible to make such property or  
342 other structures available. The department ~~office~~ may, without  
343 adopting a rule, charge a just, reasonable, and nondiscriminatory  
344 fee for the placement of the facilities, payable annually, based  
345 on the fair market value of space used by comparable  
346 communications facilities in the state. The department ~~office~~ and  
347 a wireless provider or telecommunications company may negotiate  
348 the reduction or elimination of a fee in consideration of

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services provided to the department office by the wireless provider or telecommunications company. All such fees collected by the department office shall be deposited directly into the Law Enforcement Radio Operating Trust Fund, and may be used by the department office to construct, maintain, or support the system.

~~(20)-(23)~~ To provide an integrated electronic system for deploying government products, services, and information to individuals and businesses which reflects cost-effective deployment strategies in keeping with industry standards and practices and includes protections and security of private information as well as maintenance of public records.

~~(a) The integrated electronic system shall reflect cost-effective deployment strategies in keeping with industry standards and practices, including protections and security of private information as well as maintenance of public records.~~

~~(b) The office shall provide a method for assessing fiscal accountability for the integrated electronic system and shall establish the organizational structure required to implement this system.~~

~~(24) To provide administrative support to the Agency Chief Information Officers Council and other workgroups created by the Chief Information Officer.~~

~~(25) To facilitate state information technology education and training for senior management and other agency staff.~~

~~(26) To prepare, on behalf of the Executive Office of the Governor, memoranda on recommended guidelines and best practices for information resources management, when requested.~~

~~(27) To prepare, publish, and disseminate the State Annual Report on Enterprise Resource Planning and Management under s.~~

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378    ~~282.310.~~

379            ~~(28) To study and make a recommendation to the Governor and~~  
380 ~~Legislature on the feasibility of implementing online voting in~~  
381 ~~this state.~~

382            ~~(29) To facilitate the development of a network access~~  
383 ~~point in this state, as needed.~~

384            ~~(30) To designate a State Chief Privacy Officer who shall~~  
385 ~~be responsible for the continual review of policies, laws, rules,~~  
386 ~~and practices of state agencies which may affect the privacy~~  
387 ~~concerns of state residents.~~

388            Section 7. Section 282.103, Florida Statutes, is amended to  
389 read:

390            282.103    SUNCOM Network; exemptions from the required use.--

391            (1) There is created within the Department of Management  
392 Services ~~State Technology Office~~ the SUNCOM Network which shall  
393 be developed to serve as the state communications system for  
394 providing local and long-distance communications services to  
395 state agencies, political subdivisions of the state,  
396 municipalities, state universities, and nonprofit corporations  
397 pursuant to ss. 282.101-282.111. The SUNCOM Network shall be  
398 developed to transmit all types of communications signals,  
399 including, but not limited to, voice, data, video, image, and  
400 radio. State agencies shall cooperate and assist in the  
401 development and joint use of communications systems and services.

402            (2) The department ~~State Technology Office~~ shall design,  
403 engineer, implement, manage, and operate through state ownership,  
404 commercial leasing, or some combination thereof, the facilities  
405 and equipment providing SUNCOM Network services, and shall  
406 develop a system of equitable billings and charges for

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407 communication services.

408 (3) All state agencies and state universities are required  
409 to use the SUNCOM Network for agency and state university  
410 communications services ~~as the services become available;~~  
411 however, no agency or university is relieved of responsibility  
412 for maintaining communications services necessary for effective  
413 management of its programs and functions. If a SUNCOM Network  
414 service does not meet the communications requirements of an  
415 agency or university, the agency or university shall notify the  
416 department ~~State Technology Office~~ in writing and detail the  
417 requirements for that communications service. If the department  
418 ~~office~~ is unable to meet an agency's or university's requirements  
419 by enhancing SUNCOM Network service, the department ~~office~~ may  
420 grant the agency or university an exemption from the required use  
421 of specified SUNCOM Network services.

422 Section 8. Section 282.104, Florida Statutes, is amended to  
423 read:

424 282.104 Use of state SUNCOM Network by municipalities.--Any  
425 municipality may request the department ~~State Technology Office~~  
426 to provide any or all of the SUNCOM Network's portfolio of  
427 communications services upon such terms and under such conditions  
428 as the department ~~office~~ may establish. The requesting  
429 municipality shall pay its share of installation and recurring  
430 costs according to the published rates for SUNCOM Network  
431 services and as invoiced by the department ~~office~~. Such  
432 municipality shall also pay for any requested modifications to  
433 existing SUNCOM Network services, if any charges apply.

434 Section 9. Section 282.105, Florida Statutes, is amended to  
435 read:

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436 282.105 Use of state SUNCOM Network by nonprofit  
437 corporations.--

438 (1) The department ~~State Technology Office~~ shall provide a  
439 means whereby private nonprofit corporations under contract with  
440 state agencies or political subdivisions of the state may use the  
441 state SUNCOM Network, subject to the limitations in this section.  
442 In order to qualify to use the state SUNCOM Network, a nonprofit  
443 corporation shall:

444 (a) Expend the majority of its total direct revenues for  
445 the provision of contractual services to the state, a  
446 municipality, or a political subdivision of the state; and

447 (b) Receive only a small portion of its total revenues from  
448 any source other than a state agency, a municipality, or a  
449 political subdivision of the state during the period of time  
450 SUNCOM Network services are requested.

451 (2) Each nonprofit corporation seeking authorization to use  
452 the state SUNCOM Network pursuant to this section shall provide  
453 to the department ~~office~~, upon request, proof of compliance with  
454 subsection (1).

455 (3) Nonprofit corporations established pursuant to general  
456 law and an association of municipal governments which is wholly  
457 owned by the municipalities shall be eligible to use the state  
458 SUNCOM Network, subject to the terms and conditions of the  
459 department ~~office~~.

460 (4) Institutions qualified to participate in the William L.  
461 Boyd, IV, Florida Resident Access Grant Program pursuant to s.  
462 1009.89 shall be eligible to use the state SUNCOM Network,  
463 subject to the terms and conditions of the department ~~office~~.  
464 Such entities shall not be required to satisfy the other criteria

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465 of this section.

466       (5) Private, nonprofit elementary and secondary schools  
467 shall be eligible for rates and services on the same basis as  
468 public schools, providing these nonpublic schools do not have an  
469 endowment in excess of \$50 million.

470       Section 10. Section 282.106, Florida Statutes, is amended  
471 to read:

472       282.106 Use of SUNCOM Network by libraries.--The department  
473 ~~State Technology Office~~ may provide SUNCOM Network services to  
474 any library in the state, including libraries in public schools,  
475 community colleges, state universities, and nonprofit private  
476 postsecondary educational institutions, and libraries owned and  
477 operated by municipalities and political subdivisions.

478       Section 11. Section 282.107, Florida Statutes, is amended  
479 to read:

480       282.107 SUNCOM Network; criteria for usage.--

481       (1) The department ~~State Technology Office~~ shall  
482 periodically review the qualifications of subscribers using the  
483 state SUNCOM Network and shall terminate services provided to any  
484 facility not qualified pursuant to ss. 282.101-282.111 or rules  
485 adopted hereunder. In the event of nonpayment of invoices by  
486 subscribers whose SUNCOM Network invoices are paid from sources  
487 other than legislative appropriations, such nonpayment represents  
488 good and sufficient reason to terminate service.

489       (2) The department ~~State Technology Office~~ shall adopt  
490 rules setting forth its procedures for withdrawing and restoring  
491 authorization to use the state SUNCOM Network. Such rules shall  
492 provide a minimum of 30 days' notice to affected parties prior to  
493 termination of voice communications service.

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494           (3) Nothing in this section shall be construed to limit or  
495 restrict the ability of the Florida Public Service Commission to  
496 set jurisdictional tariffs of telecommunications companies.

497           Section 12. Section 282.1095, Florida Statutes, is amended  
498 to read:

499           282.1095 State agency law enforcement radio system and  
500 interoperability network.--

501           (1) The department ~~State Technology Office~~ may acquire and  
502 implement a statewide radio communications system to serve law  
503 enforcement units of state agencies, and to serve local law  
504 enforcement agencies through mutual aid channels. The Joint Task  
505 Force on State Agency Law Enforcement Communications is  
506 established in the department ~~State Technology Office~~ to advise  
507 the department ~~office~~ of member-agency needs for the planning,  
508 designing, and establishment of the joint system. The State  
509 Agency Law Enforcement Radio System Trust Fund is established in  
510 the department ~~State Technology Office~~. The trust fund shall be  
511 funded from surcharges collected under ss. 320.0802 and 328.72.

512           (2)(a) The Joint Task Force on State Agency Law Enforcement  
513 Communications shall consist of eight members, as follows:

514           1. A representative of the Division of Alcoholic Beverages  
515 and Tobacco of the Department of Business and Professional  
516 Regulation who shall be appointed by the secretary of the  
517 department.

518           2. A representative of the Division of Florida Highway  
519 Patrol of the Department of Highway Safety and Motor Vehicles who  
520 shall be appointed by the executive director of the department.

521           3. A representative of the Department of Law Enforcement  
522 who shall be appointed by the executive director of the

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department.

4. A representative of the Fish and Wildlife Conservation Commission who shall be appointed by the executive director of the commission.

5. A representative of the Division of Law Enforcement of the Department of Environmental Protection who shall be appointed by the secretary of the department.

6. A representative of the Department of Corrections who shall be appointed by the secretary of the department.

7. A representative of the Division of State Fire Marshal of the Department of Financial Services who shall be appointed by the State Fire Marshal.

8. A representative of the Department of Transportation who shall be appointed by the secretary of the department.

(b) Each appointed member of the joint task force shall serve at the pleasure of the appointing official. Any vacancy on the joint task force shall be filled in the same manner as the original appointment. Any joint task force member may, upon notification to the chair prior to the beginning of any scheduled meeting, appoint an alternative to represent the member on the task force and vote on task force business in his or her absence.

(c) The joint task force shall elect a chair from among its members to serve a 1-year term. A vacancy in the chair of the joint task force must be filled for the remainder of the unexpired term by an election of the joint task force members.

(d) The joint task force shall meet as necessary, but at least quarterly, at the call of the chair and at the time and place designated by him or her.

(e) The per diem and travel expenses incurred by a member



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552 of the joint task force in attending its meetings and in  
553 attending to its affairs shall be paid pursuant to s. 112.061,  
554 from funds budgeted to the state agency that the member  
555 represents.

556 (f) The department ~~State Technology Office~~ is hereby  
557 authorized to rent or lease space on any tower under its control.  
558 The department ~~office~~ may also rent, lease, or sublease ground  
559 space as necessary to locate equipment to support antennae on the  
560 towers. The costs for use of such space shall be established by  
561 the department ~~office~~ for each site, when it is determined to be  
562 practicable and feasible to make space available. The department  
563 ~~office~~ may refuse to lease space on any tower at any site. All  
564 moneys collected by the department ~~office~~ for such rents, leases,  
565 and subleases shall be deposited directly into the Law  
566 Enforcement Radio Operating Trust Fund and may be used by the  
567 department ~~office~~ to construct, maintain, or support the system.

568 (g) The department ~~State Technology Office~~ is hereby  
569 authorized to rent, lease, or sublease ground space on lands  
570 acquired by the department ~~office~~ for the construction of  
571 privately owned or publicly owned towers. The department ~~office~~  
572 may, as a part of such rental, lease, or sublease agreement,  
573 require space on said tower or towers for antennae as may be  
574 necessary for the construction and operation of the state agency  
575 law enforcement radio system or any other state need. The  
576 positions necessary for the department ~~office~~ to accomplish its  
577 duties under this paragraph and paragraph (f) shall be  
578 established in the General Appropriations Act and shall be funded  
579 by the Law Enforcement Radio Operating Trust Fund or other  
580 revenue sources.

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581           (h) The department ~~State Technology Office~~ may make the  
582 mutual aid channels in the statewide radio communications system  
583 available to federal agencies, state agencies, and agencies of  
584 the political subdivisions of the state for the purpose of public  
585 safety and domestic security. The department ~~office~~ shall  
586 exercise its powers and duties, as specified in this chapter, to  
587 plan, manage, and administer the mutual aid channels. The  
588 department ~~office~~ shall, in implementing such powers and duties,  
589 act in consultation and conjunction with the Department of Law  
590 Enforcement and the Division of Emergency Management of the  
591 Department of Community Affairs, and shall manage and administer  
592 the mutual aid channels in a manner that reasonably addresses the  
593 needs and concerns of the involved law enforcement agencies and  
594 emergency response agencies and entities.

595           (3) Upon appropriation, moneys in the trust fund may be  
596 used by the department ~~office~~ to acquire by competitive  
597 procurement the equipment; software; and engineering,  
598 administrative, and maintenance services it needs to construct,  
599 operate, and maintain the statewide radio system. Moneys in the  
600 trust fund collected as a result of the surcharges set forth in  
601 ss. 320.0802 and 328.72 shall be used to help fund the costs of  
602 the system. Upon completion of the system, moneys in the trust  
603 fund may also be used by the department ~~office~~ to provide for  
604 payment of the recurring maintenance costs of the system.

605           (4)(a) The department ~~office~~ shall, in conjunction with the  
606 Department of Law Enforcement and the Division of Emergency  
607 Management of the Department of Community Affairs, establish  
608 policies, procedures, and standards which shall be incorporated  
609 into a comprehensive management plan for the use and operation of

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610 the statewide radio communications system.

611 (b) The joint task force, in consultation with the  
612 department office, shall have the authority to permit other state  
613 agencies to use the communications system, under terms and  
614 conditions established by the joint task force.

615 (5) The department office shall provide technical support  
616 to the joint task force and shall bear the overall responsibility  
617 for the design, engineering, acquisition, and implementation of  
618 the statewide radio communications system and for ensuring the  
619 proper operation and maintenance of all system common equipment.

620 (6)(a) The department ~~State Technology Office~~ may create  
621 and implement an interoperability network to enable  
622 interoperability between various radio communications  
623 technologies and to serve federal agencies, state agencies, and  
624 agencies of political subdivisions of the state for the purpose  
625 of public safety and domestic security. The department office  
626 shall, in conjunction with the Department of Law Enforcement and  
627 the Division of Emergency Management of the Department of  
628 Community Affairs, exercise its powers and duties pursuant to  
629 this chapter to plan, manage, and administer the interoperability  
630 network. The department office may:

631 1. Enter into mutual aid agreements among federal agencies,  
632 state agencies, and political subdivisions of the state for the  
633 use of the interoperability network.

634 2. Establish the cost of maintenance and operation of the  
635 interoperability network and charge subscribing federal and local  
636 law enforcement agencies for access and use of the network. The  
637 department ~~State Technology Office~~ may not charge state law  
638 enforcement agencies identified in paragraph (2)(a) to use the

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network.

3. In consultation with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, amend and enhance the statewide radio communications system as necessary to implement the interoperability network.

(b) The department ~~State Technology Office~~, in consultation with the Joint Task Force on State Agency Law Enforcement Communications, and in conjunction with the Department of Law Enforcement and the Division of Emergency Management of the Department of Community Affairs, shall establish policies, procedures, and standards to incorporate into a comprehensive management plan for the use and operation of the interoperability network.

Section 13. Section 282.111, Florida Statutes, is amended to read:

282.111 Statewide system of regional law enforcement communications.--

(1) It is the intent and purpose of the Legislature that a statewide system of regional law enforcement communications be developed whereby maximum efficiency in the use of existing radio channels is achieved in order to deal more effectively with the apprehension of criminals and the prevention of crime generally. To this end, all law enforcement agencies within the state are directed to provide the department ~~State Technology Office~~ with any information the department ~~office~~ requests for the purpose of implementing the provisions of subsection (2).

(2) The department ~~State Technology Office~~ is hereby authorized and directed to develop and maintain a statewide

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668 system of regional law enforcement communications. In formulating  
669 such a system, the department ~~office~~ shall divide the state into  
670 appropriate regions and shall develop a program which shall  
671 include, but not be limited to, the following provisions:

672       (a) The communications requirements for each county and  
673 municipality comprising the region.

674       (b) An interagency communications provision which shall  
675 depict the communication interfaces between municipal, county,  
676 and state law enforcement entities which operate within the  
677 region.

678       (c) Frequency allocation and use provision which shall  
679 include, on an entity basis, each assigned and planned radio  
680 channel and the type of operation, simplex, duplex, or half-  
681 duplex, on each channel.

682       (3) The department ~~office~~ shall adopt any necessary rules  
683 and regulations for implementing and coordinating the statewide  
684 system of regional law enforcement communications.

685       (4) The secretary of the Department of Management Services  
686 ~~Chief Information Officer of the State Technology Office~~ or his  
687 or her designee is designated as the director of the statewide  
688 system of regional law enforcement communications and, for the  
689 purpose of carrying out the provisions of this section, is  
690 authorized to coordinate the activities of the system with other  
691 interested state agencies and local law enforcement agencies.

692       (5) No law enforcement communications system shall be  
693 established or present system expanded without the prior approval  
694 of the department ~~State Technology Office~~ .

695       (6) Within the limits of its capability, the Department of  
696 Law Enforcement is encouraged to lend assistance to the

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697   department ~~State Technology Office~~ in the development of the  
 698   statewide system of regional law enforcement communications  
 699   proposed by this section.

700       Section 14.   Section 282.20, Florida Statutes, is amended to  
 701   read:

702       282.20   Technology Resource Center.--

703       (1)(a)   The Department of Management Services ~~State~~  
 704   ~~Technology Office~~ shall operate and manage the Technology  
 705   Resource Center.

706       (b)   For the purposes of this section, the term:

707       1.   "Information-system utility" means a full-service  
 708   information-processing facility offering hardware, software,  
 709   operations, integration, networking, and consulting services.

710       2.   "Customer" means a state agency or other entity which is  
 711   authorized to utilize the SUNCOM Network pursuant to this part.

712       (2)   The Technology Resource Center shall:

713       (a)   Serve the department ~~office~~ and other customers as an  
 714   information-system utility.

715       (b)   Cooperate with customers to offer, develop, and support  
 716   a wide range of services and applications needed by users of the  
 717   Technology Resource Center.

718       (c)   Cooperate with the Florida Legal Resource Center of the  
 719   Department of Legal Affairs and other state agencies to develop  
 720   and provide access to repositories of legal information  
 721   throughout the state.

722       (d)   Cooperate with the department ~~office~~ to facilitate  
 723   interdepartmental networking and integration of network services  
 724   for its customers.

725       (e)   Assist customers in testing and evaluating new and

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emerging technologies that could be used to meet the needs of the state.

(3) The department ~~office~~ may contract with customers to provide any combination of services necessary for agencies to fulfill their responsibilities and to serve their users.

(4) The Technology Resource Center may plan, design, establish pilot projects for, and conduct experiments with information technology resources, and may implement enhancements in services when such implementation is cost-effective. Funding for experiments and pilot projects shall be derived from service revenues and may not exceed 5 percent of the service revenues for the Technology Resource Center for any single fiscal year. Any experiment, pilot project, plan, or design must be approved by the secretary of the department ~~Chief Information Officer~~.

(5) Notwithstanding the provisions of s. 216.272, the Technology Resource Center may spend funds in the reserve account of the Technology Enterprise Operating Trust Fund for enhancements to center operations or for information technology resources. Any expenditure of reserve account funds must be approved by the secretary of the department ~~Chief Information Officer~~. Any funds remaining in the reserve account at the end of the fiscal year may be carried forward and spent as approved by the secretary ~~Chief Information Officer~~, provided that such approval conforms to any applicable provisions of chapter 216.

Section 15. Section 282.21, Florida Statutes, is amended to read:

282.21 ~~The State Technology Office's~~ Electronic access services of the department.--The department ~~State Technology Office~~ may collect fees for providing remote electronic access

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pursuant to s. 119.07(2). The fees may be imposed on individual transactions or as a fixed subscription for a designated period of time. All fees collected under this section shall be deposited in the appropriate trust fund of the program or activity that made the remote electronic access available.

Section 16. Section 282.22, Florida Statutes, is amended to read:

282.22 ~~State Technology Office~~, Production, dissemination, and ownership of materials and products.--

(1) It is the intent of the Legislature that when materials, products, information, and services are acquired or developed by or under the direction of the department ~~State Technology Office~~, through research and development or other efforts, including those subject to copyright, patent, or trademark, they shall be made available for use by state and local government entities at the earliest practicable date and in the most economical and efficient manner possible and consistent with chapter 119.

(2) To accomplish this objective the department may ~~office is authorized to~~ publish or partner with private sector entities to produce or have produced materials and products and to make them readily available for appropriate use. The department may ~~office is authorized to~~ charge an amount or receive value-added services adequate to cover the essential cost of producing and disseminating such materials, information, services, or products and is authorized to sell services.

(3) ~~If in cases in which~~ the materials or products are of such nature, or the circumstances are such, that it is not practicable or feasible for the department ~~office~~ to produce or



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784 have produced materials and products so developed, it is  
 785 authorized, after review and approval by the Executive Office of  
 786 the Governor, to license, lease, assign, sell, or otherwise give  
 787 written consent to any person, firm, or corporation for the  
 788 manufacture or use thereof, on a royalty basis, or for such other  
 789 consideration as the department deems ~~office shall deem~~ proper  
 790 and in the best interest of the state; the department shall  
 791 ~~office is authorized and directed to~~ protect same against  
 792 improper or unlawful use or infringement ~~and~~ to enforce the  
 793 collection of any sums due for the manufacture or use thereof by  
 794 any other party.

795       (4) All proceeds from the sale of such materials and  
 796 products or other money collected pursuant to this section shall  
 797 be deposited into the Grants and Donations Trust Fund of the  
 798 department ~~office~~ and, when properly budgeted as approved by the  
 799 Legislature and the Executive Office of the Governor, used to pay  
 800 the cost of producing and disseminating materials and products to  
 801 carry out the intent of this section.

802       Section 17. Section 282.23, Florida Statutes, is repealed.

803       Section 18. Section 282.3031, Florida Statutes, is amended  
 804 to read:

805       282.3031 Assignment of information technology planning and  
 806 ~~resources~~ management responsibilities.--For purposes of ss.  
 807 282.3032-282.322 ~~282.303-282.322~~, to ensure the best management  
 808 of state information technology resources, and notwithstanding  
 809 other provisions of law to the contrary, the functions of  
 810 information technology planning and ~~resources~~ management are  
 811 assigned to the university boards of trustees for the development  
 812 and implementation of planning, management, rulemaking,

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standards, and guidelines for the state universities; to the community college boards of trustees for establishing and developing rules for the community colleges; to the Supreme Court for the judicial branch; to each state attorney and public defender; and to the agency head ~~State Technology Office~~ for the agencies within the executive branch of state government.

Section 19. Section 282.3055, Florida Statutes, is amended to read:

282.3055 Agency chief information officer; appointment; duties.--

(1)(a) To assist the agency head ~~State Technology Officer~~ in carrying out information technology ~~the enterprise resource~~ planning and management responsibilities, the agency head ~~Chief Information Officer~~ may appoint or contract for an agency chief information officer. This position may be full time or part time.

(b) The agency chief information officer must, at a minimum, have knowledge and experience in both management and information technology resources.

(2) The duties of the agency chief information officer include, but are not limited to:

(a) Coordinating and facilitating agency information technology ~~enterprise resource~~ planning and management projects and initiatives.

~~(b) Preparing an agency annual report on enterprise resource planning and management pursuant to s. 282.3063.~~

~~(b)(c)~~ Developing and implementing agency information technology ~~enterprise resource~~ planning and management policies, procedures, guidelines, and standards consistent with statewide policies, procedures, guidelines, and standards, ~~including~~

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~~specific policies and procedures for review and approval of the agency's purchases of information technology resources in accordance with the office's policies and procedures.~~

(c) ~~(d)~~ Advising agency senior management as to the information technology enterprise resource planning and management and the information technology investment needs of the agency ~~for inclusion in planning documents required by law.~~

(d) ~~(e)~~ Assisting in the development and prioritization of the information technology enterprise resource planning and management schedule of the agency's legislative budget request.

Section 20. Section 282.3063, Florida Statutes, is repealed.

Section 21. Section 282.310, Florida Statutes, is repealed.

Section 22. Section 282.315, Florida Statutes, is amended to read:

282.315 Agency Chief Information Officers Council; creation.--The Legislature finds that enhancing communication, consensus building, coordination, and facilitation of statewide enterprise information technology resource planning and management issues are ~~is~~ essential to improving state management of such resources.

(1) There is created an Agency Chief Information Officers Council to:

(a) Enhance communication among the agency chief information officers by sharing enterprise resource planning and management experiences and exchanging ideas.

(b) Facilitate the sharing of best practices that are characteristic of highly successful technology organizations, as well as exemplary information technology applications of state

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871 agencies.

872 (c) Identify efficiency opportunities among state agencies.

873 (d) Serve as an educational forum for enterprise

874 information technology ~~resource~~ planning and management issues.

875 (e) ~~Identify Assist the State Technology Office in~~

876 ~~identifying~~ critical statewide issues and, when appropriate, make

877 recommendations for solving information technology ~~enterprise~~

878 ~~resource planning and management~~ deficiencies.

879 (2) Members of the council shall include the agency chief

880 information officers, including the chief information officers of

881 the agencies and governmental entities enumerated in s. 282.3031,

882 except that there shall be one chief information officer selected

883 by the state attorneys and one chief information officer selected

884 by the public defenders. The chairs, or their designees, of the

885 Florida Financial Management Information System Coordinating

886 Council, the Criminal and Juvenile Justice Information Systems

887 Council, and the Health Information Systems Council shall

888 represent their respective organizations on the Agency Chief

889 Information Officers Council as voting members. The council shall

890 appoint a chair, a vice chair, and a secretary from its members

891 to serve a 1-year term each. The council shall establish

892 procedures to govern council business.

893 (3) The ~~department~~ State Technology Office shall provide

894 administrative support to the council.

895 Section 23. Section 282.318, Florida Statutes, is amended

896 to read:

897 282.318 Security of data and information technology

898 resources.--

899 (1) This section may be cited as the "Security of Data and

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900 Information Technology Infrastructure Resources Act."

901 (2)(a) ~~The State Technology Office, in consultation with~~  
902 Each agency head, is responsible and accountable for assuring an  
903 adequate level of security for all data and information  
904 technology infrastructure resources of each agency and, to carry  
905 out this responsibility, shall, at a minimum:

906 1. Designate an information security manager who shall  
907 administer the security program of each agency for its data and  
908 information technology resources.

909 2. Conduct, and periodically update, a comprehensive risk  
910 analysis to determine the security threats to the data and  
911 information technology infrastructure resources of each agency.  
912 The risk analysis information is confidential and exempt from the  
913 provisions of s. 119.07(1), except that such information shall be  
914 available to the Auditor General in performing his or her  
915 postauditing duties.

916 3. Develop, and periodically update, written internal  
917 policies and procedures to assure the security of the data and  
918 information technology infrastructure resources of each agency.  
919 The internal policies and procedures which, if disclosed, could  
920 facilitate the unauthorized modification, disclosure, or  
921 destruction of data or information technology infrastructure  
922 ~~resources~~ are confidential information and exempt from the  
923 provisions of s. 119.07(1), except that such information shall be  
924 available to the Auditor General in performing his or her  
925 postauditing duties.

926 4. Implement appropriate cost-effective safeguards to  
927 reduce, eliminate, or recover from the identified risks to the  
928 data and information technology infrastructure resources of each

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929 agency.

930       5. Ensure that periodic internal audits and evaluations of  
931 each security program for the data and information technology  
932 infrastructure ~~resources~~ of the agency are conducted. The results  
933 of such internal audits and evaluations are confidential  
934 information and exempt from the provisions of s. 119.07(1),  
935 except that such information shall be available to the Auditor  
936 General in performing his or her postauditing duties.

937       6. Include appropriate security requirements, as determined  
938 by the agency ~~State Technology Office~~, in consultation with the  
939 Department of Law Enforcement ~~each agency head~~, in the written  
940 specifications for the solicitation of information technology  
941 resources.

942       (b) In those instances in which the department ~~State~~  
943 ~~Technology Office~~ develops state contracts for use by state  
944 agencies, the department ~~office~~ shall include appropriate  
945 security requirements in the specifications for the solicitation  
946 for state contracts for procuring information technology  
947 infrastructure ~~resources~~.

948       Section 24. Section 282.322, Florida Statutes, is amended  
949 to read:

950       282.322 Special monitoring process for designated  
951 information resources management projects.--

952       ~~(1)~~ For each information resources management project which  
953 is designated for special monitoring in the General  
954 Appropriations Act, with a proviso requiring a contract with a  
955 project monitor, the Technology Review Workgroup established  
956 pursuant to s. 216.0446, in consultation with each affected  
957 agency, shall be responsible for contracting with the project

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958 monitor. Upon contract award, funds equal to the contract amount  
 959 shall be transferred to the Technology Review Workgroup upon  
 960 request and subsequent approval of a budget amendment pursuant to  
 961 s. 216.292. With the concurrence of the Legislative Auditing  
 962 Committee, the office of the Auditor General shall be the project  
 963 monitor for other projects designated for special monitoring.  
 964 However, nothing in this section precludes the Auditor General  
 965 from conducting such monitoring on any project designated for  
 966 special monitoring. In addition to monitoring and reporting on  
 967 significant communications between a contracting agency and the  
 968 appropriate federal authorities, the project monitoring process  
 969 shall consist of evaluating each major stage of the designated  
 970 project to determine whether the deliverables have been satisfied  
 971 and to assess the level of risks associated with proceeding to  
 972 the next stage of the project. The major stages of each  
 973 designated project shall be determined based on the agency's  
 974 information systems development methodology. Within 20 days after  
 975 an agency has completed a major stage of its designated project  
 976 or at least 90 days, the project monitor shall issue a written  
 977 report, including the findings and recommendations for correcting  
 978 deficiencies, to the agency head, for review and comment. Within  
 979 20 days after receipt of the project monitor's report, the agency  
 980 head shall submit a written statement of explanation or rebuttal  
 981 concerning the findings and recommendations of the project  
 982 monitor, including any corrective action to be taken by the  
 983 agency. The project monitor shall include the agency's statement  
 984 in its final report, which shall be forwarded, within 7 days  
 985 after receipt of the agency's statement, to the agency head, the  
 986 inspector general's office of the agency, the Executive Office of

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the Governor, the appropriations committees of the Legislature, the Joint Legislative Auditing Committee, the Technology Review Workgroup, the President of the Senate, the Speaker of the House of Representatives, and the Office of Program Policy Analysis and Government Accountability. The Auditor General shall also receive a copy of the project monitor's report for those projects in which the Auditor General is not the project monitor.

~~(2) The Enterprise Project Management Office of the State Technology Office shall report any information technology projects the office identifies as high risk to the Executive Office of the Governor, the President of the Senate, the Speaker of the House of Representatives, and the chairs of the appropriations committees. Within the limits of current appropriations, the Enterprise Project Management Office shall monitor and report on such high risk information technology projects, and assess the levels of risks associated with proceeding to the next stage of the project.~~

Section 25. Section 282.5001, Florida Statutes, is repealed.

Section 26. Section 282.5002, Florida Statutes, is repealed.

Section 27. Section 282.5003, Florida Statutes, is repealed.

Section 28. Section 282.5004, Florida Statutes, is repealed.

Section 29. Section 282.5005, Florida Statutes, is repealed.

Section 30. Section 282.5006, Florida Statutes, is repealed.



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1016           Section 31. Section 282.5007, Florida Statutes, is  
 1017 repealed.

1018           Section 32. Section 282.5008, Florida Statutes, is  
 1019 repealed.

1020           Section 33. Paragraph (a) of subsection (3), subsections  
 1021 (4), (5), (7), (9), (10), and (12), and paragraph (a) of  
 1022 subsection (13) of section 365.171, Florida Statutes, are amended  
 1023 to read:

1024           365.171 Emergency telephone number "911."--

1025           (3) DEFINITIONS.--As used in this section:

1026           (a) "Department Office" means the Department of Management  
 1027 Services State Technology Office.

1028           (4) STATE PLAN.--The department office shall develop a  
 1029 statewide emergency telephone number "911" system plan. The plan  
 1030 shall provide for:

1031           (a) The establishment of the public agency emergency  
 1032 telephone communications requirements for each entity of local  
 1033 government in the state.

1034           (b) A system to meet specific local government  
 1035 requirements. Such system shall include law enforcement,  
 1036 firefighting, and emergency medical services and may include  
 1037 other emergency services such as poison control, suicide  
 1038 prevention, and emergency management services.

1039           (c) Identification of the mutual aid agreements necessary  
 1040 to obtain an effective "911" system.

1041           (d) A funding provision which shall identify the cost  
 1042 necessary to implement the "911" system.

1043           (e) A firm implementation schedule which shall include the  
 1044 installation of the "911" system in a local community within 24

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1045 months after the designated agency of the local government gives  
1046 a firm order to the telephone utility for a "911" system.

1047  
1048 The department ~~office~~ shall be responsible for the implementation  
1049 and coordination of such plan. The department ~~office~~ shall adopt  
1050 any necessary rules and schedules related to public agencies for  
1051 implementing and coordinating such plan, pursuant to chapter 120.  
1052 The public agency designated in the plan shall order such system  
1053 within 6 months after publication date of the plan if the public  
1054 agency is in receipt of funds appropriated by the Legislature for  
1055 the implementation and maintenance of the "911" system. Any  
1056 jurisdiction which has utilized local funding as of July 1, 1976,  
1057 to begin the implementation of the state plan as set forth in  
1058 this section shall be eligible for at least a partial  
1059 reimbursement of its direct cost when, and if, state funds are  
1060 available for such reimbursement.

1061       (5) SYSTEM DIRECTOR.--The secretary ~~director~~ of the  
1062 department ~~office~~ or his or her designee is designated as the  
1063 director of the statewide emergency telephone number "911" system  
1064 and, for the purpose of carrying out the provisions of this  
1065 section, is authorized to coordinate the activities of the system  
1066 with state, county, local, and private agencies. The secretary  
1067 ~~director~~ is authorized to employ not less than five persons,  
1068 three of whom will be at the professional level, one at the  
1069 secretarial level, and one to fill a fiscal position, for the  
1070 purpose of carrying out the provisions of this section. The  
1071 secretary ~~director~~ in implementing the system shall consult,  
1072 cooperate, and coordinate with local law enforcement agencies.

1073       (7) TELEPHONE INDUSTRY COORDINATION.--The department ~~office~~

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1074 shall coordinate with the Florida Public Service Commission which  
1075 shall encourage the Florida telephone industry to activate  
1076 facility modification plans for a timely "911" implementation.

1077       (9) SYSTEM APPROVAL.--No emergency telephone number "911"  
1078 system shall be established and no present system shall be  
1079 expanded without prior approval of the department ~~office~~.

1080       (10) COMPLIANCE.--All public agencies shall assist the  
1081 department ~~office~~ in their efforts to carry out the intent of  
1082 this section, and such agencies shall comply with the developed  
1083 plan.

1084       (12) FEDERAL ASSISTANCE.--The secretary of the department  
1085 ~~office~~ or his or her designee may apply for and accept federal  
1086 funding assistance in the development and implementation of a  
1087 statewide emergency telephone number "911" system.

1088       (13) "911" FEE.--

1089       (a) Following approval by referendum as set forth in  
1090 paragraph (b), or following approval by a majority vote of its  
1091 board of county commissioners, a county may impose a "911" fee to  
1092 be paid by the local exchange subscribers within its boundaries  
1093 served by the "911" service. Proceeds from the "911" fee shall be  
1094 used only for "911" expenditures as set forth in subparagraph 6.  
1095 The manner of imposing and collecting said payment shall be as  
1096 follows:

1097       1. At the request of the county subscribing to "911"  
1098 service, the telephone company shall, insofar as is practicable,  
1099 bill the "911" fee to the local exchange subscribers served by  
1100 the "911" service, on an individual access line basis, at a rate  
1101 not to exceed 50 cents per month per line (up to a maximum of 25  
1102 access lines per account bill rendered). However, the fee may not

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1103 be assessed on any pay telephone in this state. A county  
1104 collecting the fee for the first time may collect the fee for no  
1105 longer than 36 months without initiating the acquisition of its  
1106 "911" equipment.

1107 2. Fees collected by the telephone company pursuant to  
1108 subparagraph 1. shall be returned to the county, less the costs  
1109 of administration retained pursuant to paragraph (c). The county  
1110 shall provide a minimum of 90 days' written notice to the  
1111 telephone company prior to the collection of any "911" fees.

1112 3. Any county that currently has an operational "911"  
1113 system or that is actively pursuing the implementation of a "911"  
1114 system shall establish a fund to be used exclusively for receipt  
1115 and expenditure of "911" fee revenues collected pursuant to this  
1116 section. All fees placed in said fund, and any interest accrued  
1117 thereupon, shall be used solely for "911" costs described in  
1118 subparagraph 6. The money collected and interest earned in this  
1119 fund shall be appropriated for "911" purposes by the county  
1120 commissioners and incorporated into the annual county budget.  
1121 Such fund shall be included within the financial audit performed  
1122 in accordance with s. 218.39. A report of the audit shall be  
1123 forwarded to the department office within 60 days of its  
1124 completion. A county may carry forward on an annual basis unspent  
1125 moneys in the fund for expenditures allowed by this section, or  
1126 it may reduce its fee. However, in no event shall a county carry  
1127 forward more than 10 percent of the "911" fee billed for the  
1128 prior year. The amount of moneys carried forward each year may be  
1129 accumulated in order to allow for capital improvements described  
1130 in this subsection. The carryover shall be documented by  
1131 resolution of the board of county commissioners expressing the

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1132 purpose of the carryover or by an adopted capital improvement  
1133 program identifying projected expansion or replacement  
1134 expenditures for "911" equipment and service features, or both.  
1135 In no event shall the "911" fee carryover surplus moneys be used  
1136 for any purpose other than for the "911" equipment, service  
1137 features, and installation charges authorized in subparagraph 6.  
1138 Nothing in this section shall prohibit a county from using other  
1139 sources of revenue for improvements, replacements, or expansions  
1140 of its "911" system. A county may increase its fee for purposes  
1141 authorized in this section. However, in no case shall the fee  
1142 exceed 50 cents per month per line. All current "911" fees shall  
1143 be reported to the department ~~office~~ within 30 days of the start  
1144 of each county's fiscal period. Any fee adjustment made by a  
1145 county shall be reported to the department ~~office~~. A county shall  
1146 give the telephone company a 90-day written notice of such fee  
1147 adjustment.

1148         4. The telephone company shall have no obligation to take  
1149 any legal action to enforce collection of the "911" fee. The  
1150 telephone company shall provide quarterly to the county a list of  
1151 the names, addresses, and telephone numbers of any and all  
1152 subscribers who have identified to the telephone company their  
1153 refusal to pay the "911" fee.

1154         5. The county subscribing to "911" service shall remain  
1155 liable to the telephone company for any "911" service, equipment,  
1156 operation, or maintenance charge owed by the county to the  
1157 telephone company.

1158  
1159 ~~As used in this paragraph, "telephone company" means an exchange~~  
1160 ~~telephone service provider of "911" service or equipment to any~~

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1161 ~~county within its certificated area.~~

1162         6. It is the intent of the Legislature that the "911" fee  
1163 authorized by this section to be imposed by counties will not  
1164 necessarily provide the total funding required for establishing  
1165 or providing the "911" service. For purposes of this section,  
1166 "911" service includes the functions of database management, call  
1167 taking, location verification, and call transfer. The following  
1168 costs directly attributable to the establishment and/or provision  
1169 of "911" service are eligible for expenditure of moneys derived  
1170 from imposition of the "911" fee authorized by this section: the  
1171 acquisition, implementation, and maintenance of Public Safety  
1172 Answering Point (PSAP) equipment and "911" service features, as  
1173 defined in the Florida Public Service Commission's lawfully  
1174 approved "911" and related tariffs and/or the acquisition,  
1175 installation, and maintenance of other "911" equipment, including  
1176 call answering equipment, call transfer equipment, ANI  
1177 controllers, ALI controllers, ANI displays, ALI displays, station  
1178 instruments, "911" telecommunications systems, teleprinters,  
1179 logging recorders, instant playback recorders, telephone devices  
1180 for the deaf (TDD) used in the "911" system, PSAP backup power  
1181 systems, consoles, automatic call distributors, and interfaces  
1182 (hardware and software) for computer-aided dispatch (CAD)  
1183 systems; salary and associated expenses for "911" call takers for  
1184 that portion of their time spent taking and transferring "911"  
1185 calls; salary and associated expenses for a county to employ a  
1186 full-time equivalent "911" coordinator position and a full-time  
1187 equivalent staff assistant position per county for the portion of  
1188 their time spent administrating the "911" system; training costs  
1189 for PSAP call takers in the proper methods and techniques used in

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1190 taking and transferring "911" calls; expenses required to develop  
1191 and maintain all information (ALI and ANI databases and other  
1192 information source repositories) necessary to properly inform  
1193 call takers as to location address, type of emergency, and other  
1194 information directly relevant to the "911" call-taking and  
1195 transferring function; and, in a county defined in s. 125.011(1),  
1196 such expenses related to a nonemergency "311" system, or similar  
1197 nonemergency system, which improves the overall efficiency of an  
1198 existing "911" system or reduces "911" emergency response time  
1199 for a 2-year pilot project that ends June 30, 2003. However, no  
1200 wireless telephone service provider shall be required to  
1201 participate in this pilot project or to otherwise implement a  
1202 nonemergency "311" system or similar nonemergency system. The  
1203 "911" fee revenues shall not be used to pay for any item not  
1204 listed, including, but not limited to, any capital or operational  
1205 costs for emergency responses which occur after the call transfer  
1206 to the responding public safety entity and the costs for  
1207 constructing buildings, leasing buildings, maintaining buildings,  
1208 or renovating buildings, except for those building modifications  
1209 necessary to maintain the security and environmental integrity of  
1210 the PSAP and "911" equipment rooms.

1211       7. It is the goal of the Legislature that enhanced "911"  
1212 service be available throughout the state. Expenditure by  
1213 counties of the "911" fees authorized by this section should  
1214 support this goal to the greatest extent feasible within the  
1215 context of local service needs and fiscal capability. Nothing in  
1216 this section shall be construed to prohibit two or more counties  
1217 from establishing a combined emergency "911" telephone service by  
1218 interlocal agreement and utilizing the "911" fees authorized by

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1219    this section for such combined "911" service.

1220  
1221    As used in this paragraph, "telephone company" means an exchange  
1222    telephone service provider of "911" service or equipment to any  
1223    county within its certificated area.

1224        Section 34. Paragraph (d) of subsection (2), paragraph (f)  
1225    of subsection (3), subsection (4), paragraph (a) of subsection  
1226    (5), and paragraphs (c) and (d) of subsection (6) of section  
1227    365.172, Florida Statutes, are amended to read:

1228        365.172 Wireless emergency telephone number "E911."--

1229        (2) FINDINGS, PURPOSE, AND LEGISLATIVE INTENT.--The  
1230    Legislature finds and declares that:

1231        (d) The revenues generated by the E911 fee imposed under  
1232    this section are required to fund the efforts of the counties,  
1233    the Wireless 911 Board under the Department of Management  
1234    Services State Technology Office, and commercial mobile radio  
1235    service providers to improve the public health, safety, and  
1236    welfare and serve a public purpose by providing emergency  
1237    telephone assistance through wireless communications.

1238        (3) DEFINITIONS.--As used in this section and ss. 365.173  
1239    and 365.174, the term:

1240        (f) "Department Office" means the Department of Management  
1241    Services State Technology Office.

1242        (4) POWERS AND DUTIES OF THE DEPARTMENT OFFICE.--The  
1243    department office shall oversee the administration of the fee  
1244    imposed on subscribers of statewide E911 service under subsection  
1245    (8).

1246        (5) THE WIRELESS 911 BOARD.--

1247        (a) The Wireless 911 Board is established to administer,



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with oversight by the department office, the fee imposed under subsection (8), including receiving revenues derived from the fee; distributing portions of such revenues to providers, counties, and the department office; accounting for receipts, distributions, and income derived by the funds maintained in the fund; and providing annual reports to the Governor and the Legislature for submission by the department office on amounts collected and expended, the purposes for which expenditures have been made, and the status of wireless E911 service in this state. In order to advise and assist the department office in carrying out the purposes of this section, the board, which shall have the power of a body corporate, shall have the powers enumerated in subsection (6).

(6) AUTHORITY OF THE BOARD; ANNUAL REPORT.--

(c) By February 28 of each year, the board shall prepare a report for submission by the department office to the Governor, the President of the Senate, and the Speaker of the House of Representatives which reflects, for the immediately preceding calendar year, the quarterly and annual receipts and disbursements of moneys in the fund, the purposes for which disbursements of moneys from the fund have been made, and the availability and status of implementation of E911 service in this state.

(d) By February 28, 2001, the board shall undertake and complete a study for submission by the department office to the Governor, the President of the Senate, and the Speaker of the House of Representatives which addresses:

1. The total amount of E911 fee revenues collected by each provider, the total amount of expenses incurred by each provider

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1277 to comply with the order, and the amount of moneys on deposit in  
1278 the fund, all as of December 1, 2000.

1279 2. Whether the amount of the E911 fee and the allocation  
1280 percentages set forth in s. 365.173 should be adjusted to comply  
1281 with the requirements of the order, and, if so, a recommended  
1282 adjustment to the E911 fee.

1283 3. Any other issues related to providing wireless E911  
1284 services.

1285 Section 35. Subsections (2), (5), (6), and (9) of section  
1286 445.049, Florida Statutes, are amended to read:

1287 445.049 Digital Divide Council.--

1288 (2) DIGITAL DIVIDE COUNCIL.--The Digital Divide Council is  
1289 created in the Department of Management Services ~~State Technology~~  
1290 ~~Office~~. The council shall consist of:

1291 (a) The Secretary of Management Services or his or her  
1292 designee ~~chief information officer in the State Technology~~  
1293 ~~Office~~.

1294 (b) The director of the Office of Tourism, Trade, and  
1295 Economic Development in the Executive Office of the Governor.

1296 (c) The president of Workforce Florida, Inc.

1297 (d) The director of the Agency for Workforce Innovation.

1298 (e) The chair of itflorida.com, Inc.

1299 (f) The Commissioner of Education.

1300 (g) The chair of the Network Access Point of the Americas.

1301 (h) A representative of the information technology industry  
1302 in this state appointed by the Speaker of the House of  
1303 Representatives.

1304 (i) A representative of the information technology industry  
1305 in this state appointed by the President of the Senate.

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1306           (j) Two members of the House of Representatives, who shall  
1307 be ex officio, nonvoting members of the council, appointed by the  
1308 Speaker of the House of Representatives, one of whom shall be a  
1309 member of the Republican Caucus and the other of whom shall be a  
1310 member of the Democratic Caucus.

1311           (k) Two members of the Senate, who shall be ex officio,  
1312 nonvoting members of the council, appointed by the President of  
1313 the Senate, one of whom shall be a member of the Republican  
1314 Caucus and the other of whom shall be a member of the Democratic  
1315 Caucus.

1316           (5) ADMINISTRATIVE AND TECHNICAL SUPPORT; PAYMENT OF  
1317 SUPPORT COSTS.--The Department of Management Services ~~State~~  
1318 ~~Technology Office~~ shall provide such administrative and technical  
1319 support to the council as is reasonably necessary for the council  
1320 to effectively and timely carry out its duties and  
1321 responsibilities. All direct and indirect costs of providing such  
1322 support and performing the other duties assigned to the  
1323 Department of Management Services ~~State Technology Office~~ related  
1324 to design and implementation of the programs authorized by this  
1325 section may be paid from appropriations authorized to be used for  
1326 such purposes.

1327           (6) POWERS AND DUTIES OF COUNCIL.--The council, through the  
1328 Department of Management Services ~~State Technology Office~~, is  
1329 authorized and empowered to facilitate the design and  
1330 implementation of programs that are aimed at achieving the  
1331 objectives and goals stated in this section. The Department of  
1332 Management Services ~~State Technology Office~~ shall present and  
1333 demonstrate to the council the design characteristics and  
1334 functional elements of each program proposed to be implemented to

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1335 achieve the objectives and goals stated in this section and each  
1336 such program shall be reviewed and approved by the council before  
1337 being implemented. Such programs shall initially be implemented  
1338 as pilot programs in a minimum of six different areas of the  
1339 state to develop model programs that are likely to be successful  
1340 if implemented throughout the state. The areas of the state where  
1341 the pilot programs are implemented shall be selected by the  
1342 council with the objectives of testing the merits of the programs  
1343 in each geographic region of the state and providing equal  
1344 exposure of the programs to urban and rural communities alike.  
1345 Implementation of all such pilot and model programs shall be  
1346 administered by and through the local workforce development  
1347 boards and each such board shall coordinate and confirm the ready  
1348 availability and timely delivery of all elements of such programs  
1349 to ensure the highest probability of such programs achieving  
1350 their intended results.

1351       (9) ANNUAL REPORT.--By March 1 each year, 2002, the  
1352 council, through the Department of Management Services State  
1353 ~~Technology Office~~, shall report to the Executive Office of the  
1354 Governor, the Speaker of the House of Representatives, and the  
1355 President of the Senate the results of the council's monitoring,  
1356 reviewing, and evaluating such programs since their inception and  
1357 the council's recommendations as to whether such programs should  
1358 be continued and expanded to achieve the objectives and goals  
1359 stated in this section.

1360       Section 36. 0 This act shall take effect July 1, 2006.

282.318, Florida Statutes, is amended to read:

282.318 Security of data and information technology resources.—

(1) This section may be cited as the "Security of Data and Information Technology Resources Act."

(2)(a)—The Department of Management Services, hereafter referred to as Department State Technology Office, in consultation with each agency head, is responsible for coordinating, assessing, and setting minimum standards for ~~and accountable for assuring~~ an adequate level of security for all data and information technology resources of each agency within all branches of government and, to carry out this responsibility, will shall, at a minimum:

a1. Require that each agency designate an information security manager who shall administer the security program of each agency for its data and information technology resources.

b2. Require that each agency conduct, and periodically update, a comprehensive risk analysis every three years to determine the security threats to the data and information technology resources of each agency. The risk analysis information is confidential and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her post-auditing ~~postauditing~~ duties.

c3. Assist each agency with the development of Develop, ~~and periodically update,~~ written internal policies and procedures to assure the security of the data and information technology resources of each agency. The internal policies and procedures which, if disclosed, could facilitate the unauthorized modification, disclosure, or destruction of data or information technology resources are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her post-auditing ~~postauditing~~ duties.

d4. Require that each agency implement appropriate cost-effective safeguards to reduce, eliminate, or recover from the identified risks to the data and information technology resources of each agency.

e5. Provide guidance to each agency on conducting ~~Ensure that periodic~~ internal audits and evaluations of each agency's security program ~~for the data and information technology resources of the agency are conducted.~~ The results of such internal audits and evaluations are confidential information and exempt from the provisions of s. 119.07(1), except that such information shall be available to the Auditor General in performing his or her ~~post-auditing~~ ~~postauditing~~ duties.

f6. Require that each agency include appropriate security requirements, as determined by the ~~Department State Technology Office, in consultation with each agency head,~~ in the written specifications for the solicitation of information technology resources. In those instances in which the Department develops state contracts for use by state agencies, the Department shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.

~~(b) In those instances in which the State Technology Office develops state contracts for use by state agencies, the office shall include appropriate security requirements in the specifications for the solicitation for state contracts for procuring information technology resources.~~

(3) In order to ensure enterprise information security, the Department will establish the Office of Information Security that will be led by a Chief Information Security Officer. This Office will work with all branches of state government and will coordinate with the Agency Chief Information Officers Council and the Executive Office of the Governor. The Office will be responsible for: security rulemaking and policy; security audit oversight; training of information security managers; coordination of Domestic Security funding for cyber security issues; and will set minimum standards for information technology disaster recovery. The funding for this office and the associated positions will be provided with general revenue and will be the responsibility of the Department.

(4) The Department shall have the power to adopt rules pursuant to ss. 120.536(1) and 120.54 relating to data and information technology security to administer the provisions of this part.